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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,723	12/08/2000	J. B. von Grabe	90141	2023
20529	7590	04/19/2006	EXAMINER	
NATH & ASSOCIATES				NGUYEN, TAN QUANG
112 South West Street				
Alexandria, VA 22314				
		ART UNIT		PAPER NUMBER
		3661		

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,723	VON GRABE, J. B.	
	Examiner	Art Unit	
	TAN Q. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-21,27-32,34 and 35 is/are rejected.
- 7) Claim(s) 22-26 and 33 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAIL ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on February 15, 2006. Claims 16-35 are still pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 19-21, 27, 28, 31, 32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke (6,256,577).

4. With respect to claims 16 and 28, Graunke et al. disclose an apparatus and method for supplying routing instructions to subscribers upon request which includes the steps of providing a route segment database (see at least figure 2, item 22), receiving an input from a subscriber indicative of subscriber identity and a destination code (see at least figure 1, item 18a), associating the destination code to the database and together with the received traffic flow from the float vehicles to determining a fastest route for the subscriber (see at least figure 5 and the related text), and then transmitting such fastest route to the subscriber (see figure 5, items 82 and 84).

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5. Graunke et al. do not disclose the subscriber specific matrix comprising a plurality of routes from a first coordinate to a second coordinate, and each route comprising of segments. However, Graunke et al. do disclose the at least a road data, maps, and a road segments which are used to calculate the plurality of routes from point A to B for the subscriber (see figures 5, 7 and the related text). It would have been obvious to an ordinary skill in the art at the time the invention was made to realized that the points A and B are referred to the coordinate in the map, which includes the longitudinal and latitudinal. Thus, such databases in Graunke et al. do includes the matrix which includes a plurality of routes from one point to another.

6. With respect to claims 19 and 31, Graunke et al. disclose the use of GPS which inherently includes a speed and direction of the subscriber (see at least column 2, lines 59-67).

7. With respect to claims 20, 21 and 32, Graunke et al. further disclose the float cars for providing their location, speed, average speed for calculating the traffic flow of the each segments (see at least figure 1 and column 2, lines 22-33).

8. With respect to claims 27 and 35, Graunke et al. also disclose the transmitting of traffic data (see figure 1, 5 and the related text).

9. With respect to claim 34, Graunke et al. also disclose a report traffic information (see at least column 1, line 64 to column 2, lines 6).

10. Claims 17, 18, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke et al. as applied to the claims above, and further in view of Drake, Jr. et al. (6,094,687).

11. Graunke et al. disclose the claimed invention as discussed above except for the utilize of Ford-Fulkerson algorithm or Dijkstra algorithm for analyzing the route calculation. However, such algorithms are old and wide well known in the navigation art

at the time the invention was made and is shown in at least column 7, lines 16-62 of the Drake, Jr. et al. reference. It would have been motivated one or ordinary skill in the art to utilize the known algorithm such as Ford-Fulkerson algorithm or Dijkstra into the system of Graunke et al. to obtaining the desired route calculation for the subscriber.

12. Claims 22-26 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

13. Claims 16-21, 27-32, 34 and 35 are rejected. Claims 22-26 and 33 are objected.

14. In the amendment filed on February 15, 2006, applicant pointed out that the reference No. 6,594,576 issued to Fan which was filed after the original filing date of the application, thus can not be used for the rejections. Examiner provide herein the appropriate reference for the rejections set forth above.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN Q. NGUYEN
Primary Examiner
Art Unit 3661

/tqn
April 14, 2006